



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Redevelopment Board Minutes 03/11/2013

Arlington Redevelopment Board
 March 11, 2013

2nd Floor Conference Room, Town Hall annex – 7:00 p.m.

PRESENT: B. Fitzsimmons, C. Scypinski, T. Fields, A. West, Mike Cayer

ABSENT:

STAFF: Carol Kowalski

AGENDA ITEM: Public Hearing, zoning bylaw amendment warrant articles

DISCUSSION: Mr. Fitzsimmons called meeting to order at 7PM explained the purpose and procedure for the hearing on the proposed zoning bylaw amendments for accessory apartments and medical marijuana. He asked that individuals who wished to speak as sponsors would make their remarks first. Clarissa Rowe spoke for the ten-registered-voter accessory apartment amendment. This version is for over-65 year old owners only, and allows the use in accessory buildings. The use would expire when the house was sold. She explained that a number of elderly residents who would like to stay in their homes contacted Mr. LaCroix, who had initiated last year's failed proposal, and asked him to try again. With the special permit the owner has to swear that they are over 65 and it would go on the registry of deeds. Dean Harrington, 28 Robinhood Road commented on zoning and density saying these two factors established and maintain the characteristics of the Town. Arlington is basically residential, he noted. We've done fine with the current characteristics and we should not tinker with them. He added that the Zip Atlas website ranked density Arlington as 14th most dense after Boston and its neighborhoods. Arlington is 215th in the nation for density. The development trend is larger residential complexes and more density. This was another reason to retain the R0, R1, and R2 zoning, he commented. More density means more autos, traffic, increased parking problems, more crime, more pressure on scarce resources. He advised the Board to be cautious. This warrant is a proxy for a permit. It's so narrowly focused, he added, saying it's not for all seniors, but for seniors with the wherewithal to build a kitchen and a bathroom, spending \$20,000 to \$40,000. The larger picture of doing something for seniors is a noble idea, he said, but urged that something comprehensive be done for a majority of seniors, not a select few. Economics are the biggest issue for seniors. Living in place can be done by a tax break like Winchester he commented. We ought to be looking at a comprehensive plan to help them stay in place, in their town, though it may not necessarily be in their residence. He added that this need not be accomplished just through zoning. Mrs. Theresa Harrington, 28 Robinhood Road, spoke next. She said she had lived over 50 years in Arlington, my parents were going to put an addition on our first home. The attorney said they couldn't get a variance. She said her mother had lived with them and this allowed her to age in place. Families need to take care of families, she concluded. John Worden, 27 Jason Street, spoke next. He reviewed that the Town went through a similar proposal last year, and Town Meeting decisively turned it down. The sponsors have put forth a few ideas, but not all that had been offered as amendments. One of the requirements should be to have the accessory apartment within the existing home as the existing home exists now, a date prior to passage, to prevent allowing an addition, and then the grant of a permit in the addition to be an accessory apartment. It should specify the existing footprint of the building prior to passage of the amendment. Also, what are the enforcement mechanisms, Mr. Worden wondered. He asked whether someone was going to check to see whether the resident was still living or deceased. He urged that a performance bond be required to remove the kitchen once the 65 year old owner sells or passes away. He commented that a fundamental problem was that there are plenty of apartments and 2-family homes within R1 and perhaps R0, so there are lots of existing options if someone wanted this arrangement. People who buy in a single family zone deserve some protection. If we need anything more it's affordable housing, he said, so accessory apartment options should be rented at an affordable rate. Next, Patricia Worden, 27 Jason Street, commented, saying that last year, this was discussed for two nights. It would be inconsiderate to ask Town Meeting to discuss it again as they had voted overwhelmingly not to allow it. It would essentially change the whole Town to a two-family Town, she opined. Profits of developers could be very great, she said, adding that she found the proposal arbitrary, capricious and internally inconsistent. Cynthia Hamilton, 45 Jason Street, spoke next. She said she was born at Symmes Hospital and had graduated from Arlington High School, and 43 years later had bought her childhood home back. She wanted to stay in that house until the day she died, she said. It's plenty adequate for her children to move in and take care of her, she added. She didn't need to build a second kitchen. She felt neighbors wouldn't want to see a fire escape and second egress, as required by the proposed amendment. She worried that after the permit was issued, she would die and someone would want to turn her home into condominiums. Bob Radochia, Columbia Road, asked questions regarding the amendment, including whether the 700 square foot apartment could be the owner's residence. Mr. Fitzsimmons responded that he saw nothing in the proposal to prevent it. Mr. Radochia asked whether he could live in either the house or the addition. The interpretation was that an owner could live in either. Mr. LaCroix (junior) clarified that it would not be for new structures. Mr. Radochia commented that it seemed like one could build a garage in the backyard and then convert it to an accessory apartment; although it was not clear. He asked whether the three required parking spaces needed to meet the 25 foot zoning set back. Mr. Fitzsimmons said they would have to be legally conforming to zoning requirements. Mr. Radochia asked whether the proposed amendment applied to private ways, saying that would have to be resolved. He further asked whether there was an occupancy requirement for the minimum time an owner could be away. He said he was also confused about an instance when the special permit became null and void, and what would then happen to the structure. David Johnson, 143 Robinhood Road stated that this is a town and personal issue, because he lives opposite the article sponsor. He then presented a booklet that appears to be the

first accessory apartment in a garage that he stated has doubled in size under the auspices of adding an exercise room, or a solarium, and that the article's sponsor was vacationing in Mexico and renting this space out. He never got the special permit, Mr. Johnson asserted, but under the building permits, he was able to expand it, though it is 8' 6" off the property line. You can't have a dwelling that is closer than 10 feet. In Lexington, Boxborough, and other places where accessory apartments work, you have much larger lots. It affects the value and enjoyment of one's property, Mr. Johnson said. If an SUV is parked on Robinhood Road a fire truck can't get around the corner. Back when these homes were built, people had only one car. If a street is lined with cars, it affects the quality of life and the property value. What about all the seniors that don't live on these streets, this amendment would discriminate against other worthy seniors, he observed. When you have a home and a senior, they've already gone through the school system, there will be no expense to the Town for children, but if I move to garage and rent my house out to a family, that's additional school kids in the school system. The accessory apartments won't generate more tax revenue, but could cost more in Town services. With people come automobiles. Winchester has a plan where all seniors earning less than \$56,000 can defer half their property taxes, with minimal interest, and it comes due when the house is sold. He said that no construction or rental or property management is necessary with this tax deferment option. Ed Schwarz, 20 Robinhood Road, commented that he was troubled with a separate structure, since a senior could add heating, a sewer line, a gas line, a bathroom and a kitchen and that hardly seems to benefit a low-income senior. He asked what changes would be made to the structure after the permit becomes null and void. Massachusetts has a circuit breaker tax benefit, and the Winchester plan builds on that state plan. If a senior spends more than 10% of income on real estate taxes. Mr. Schwartz does not think separate structure is a good idea, Mr. Schwartz said. Within existing footprint doesn't radically change the nature of the neighborhood, he concluded. Ralph D'Andrea, 4 Robinhood Road, noted there is also Town tax relief. He was concerned there was no means testing in the proposal. He wondered whether someone earning \$200,000 in a \$500,000 home could do this and then go travelling for six months per year. With parking, if there is a 25 foot setback requirement then there would be no way of putting three cars on that property. He asked how long an owner had to occupy a home to qualify for an accessory apartment. He observed that it would be a house sitter (the tenant) paying the owners while they're gone. Mollie Flukiger, Fairmont Street, commented that her family rents and aspires to have a rental property in town. She commented that housing for individuals with disabilities younger than age 65 can be a challenge, so accessory apartments can give independence while having a live-in care-giver. Matt Paquin, Rublee Street, commented that the proposal would invite greed and detrimental changes. The accessory apartments would not be removed by unscrupulous people. Population density, parking, enforcement burden, single family change, all detract from what draws people to town. He stated that he wants it to at least be the Town it is today, if it can't be the Town it used to be. Jonathan Nyberg, 1027 ____ Road, wanted to laud people for thinking out of the box. He said he had a mentally disabled parent, and wanted the Board to think about how it could be a policing nightmare. He thought it was good to have these discussions. He said he lived in the neighborhood, that people care, and that's positive. He sees that people don't want to leave their neighborhoods as they age. Alex LaCroix, 44 Robinhood Road, now living at 3 Wyman Terrace, stated that he shared concern, but didn't think proposal his father brought would destroy what they've helped build. He doesn't want someone to have to move who was like a grandmother to him growing up. The kitchen expense would be offset by rent. He could live there and take care of his parents. This proposal applied to very few properties, it doesn't allow everyone to do this, but a fraction of properties. Enforcement had to be worked out. Mr. Fitzsimmons asked Mr. LaCroix what happens when a senior moved out and there wasn't a transfer or conveyance, and the senior has only moved to a nursing home. Mr. LaCroix responded that it would be delayed. If there were so few cases that it applied to, it would be self-policing. Cynthia Hamilton commented again, saying there were already accessory apartments that weren't enforced. Mr. LaCroix clarified that if it passed, an owner would be permitted to live in their existing accessory apartment and rent their home. Mr. Johnson asked if the accessory building would have to meet zoning, Mr. West interpreted that it would have to meet zoning. Mr. Fitzsimmons then asked for any new comments. Ms. Worden asserted that there would be thousands of properties where this could occur and it would increase our 40B comprehensive permit applications. Mr. Paquin commented that he is more opposed to the proposal upon hearing that it's not just for people who can't afford to pay taxes. Mr. Schwartz added that this property is in a trust, so not clear what happens when it is conveyed. Mrs. Harrington commented that there were five streets in their neighborhood, 39 homes, and one one way in and out, with 29 stand-alone garages. There could be many accessory apartments in this neighborhood. He asked the board to act with reason and discretion.

Warrant article 7, medical marijuana. Christine Connolly, Director of Health and Human Services, represented Town Manager Adam Chapdelaine, the article sponsor. She reviewed that in November voters adopted a ballot question to allow medical marijuana. She stated that department heads worked with the Town Manager to develop these warrant articles. The first article would locate it in a public area, not in an area hidden away, since it's an acceptable use in the state, intended to be in a visible area. Article 8 proposes a moratorium to allow time for Mass Dept. of Public Health to issue its guidelines, from which our local regulations will follow. Dispensaries would be approved the first year. Thirty-five are proposed in the state the first year; one hundred licenses may follow the second year. Mr. Fitzsimmons clarified that the moratorium would last until the end of 2014 Town Meeting, so any additional zoning could also be considered. Mr. Fitzsimmons asked if use 6.17 had to be edited to say "drugs other than medical marijuana" so people won't try to sell marijuana in the retail districts. Mollie Flukiger, 55 Fairmount Street, stated she was on the Disabilities Commission and was a Town Meeting Member. She was not sure of her position on the article yet. She felt there was a bias against it, voters voted higher in Arlington than the rest of the state. Attended the DPH hearing in Dorchester where many people testified on how meaningful it was to their quality of life. There are ways, other than zoning, to address the impact. She commented that she lives with multiple sclerosis and needs pain medicine. Hopes it won't be an abuse scenario. Matt Paquin, Rublee Street. I voted for it and we need all avenues to help people. I personally ask that you use extreme caution. He asked to separate the dispensaries, and have no two within 200 feet of each other.

ATTACHMENTS: Ed Schwartz handout with photos.

AGENDA ITEM: Stormwater permit renewal, Town Engineer, Wayne Chouinard explained that the Town's discharge permit was due for renewal, and the permit item related to the ARB was to develop guidelines for stormwater. Stormwater management plan included a goal to institute best management practices during

development. The Environmental Protection Agency asks if we now wish to create new goals for stormwater management. Feedback needed by end of March. Ms. Scypinski asked if the Board could see what has been done to date. Mr. West also asked to see the management plan. Mr. Chouinard would send a link to Ms. Kowalski to forward it to the Board. The pipe network is now also on the plan. DEP requirements are more stringent than LEED, Ms. Scypinski said. It was confirmed that there was nothing requiring developers to do low impact development (LID). The Board does not mandate it, but a bylaw could do that. Mr. Chouinard informed the Board. The new state regulations have been expected for four years or more. Mr. Chouinard wanted the Board to know it has this opportunity on an annual basis.

DOCUMENTS USED: Post Construction Stormwater Management in New Development and Redevelopment.

AGENDA ITEM: Symmes marketing plan approval

Jake Upton reviewed the marketing plan that had been distributed. The brokers would be Lynne Lowenstein and Mark Lesses. He reviewed the construction schedule. August for occupancy on one building, and about three months later for second building. They would start marketing the townhomes (for-sale) for closing the units in October. Need to get the building with temporary Certificate of Occupancy in order to move the temporary antenna. Mr. Upton then reviewed the marketing plan which is to launch mid-April. Seventy five percent of listings go under agreement within 45 days. Mr. Fitzsimmons confirmed that this marketing plan only refers to town house B. Mr. Upton confirmed, and stated that he and Laura Wiener would be meeting on the marketing of the affordable units, and would like to get the for-sale; market-pricing market plan approved separately, but clearly would not close units until affordable marketing plan was approved. Mr. Cayer asked about the last paragraph citing phase one. Mr. Upton responded that if the response was strong, there could be a phase 2 from a sales perspective.

Vote: Mr. Fields moved that the Board accept the condominium marketing plan. Mr. West seconded. All voted in favor.

DOCUMENTS USED: Marketing Proposal for Arlington 360 prepared by Lynne Lowenstein and Mark Lesses.

Agenda item: Master Plan update. Ms. Kowalski reported, saying the master plan consultant would be introduced to the Board on March 18.

AGENDA ITEM: Approval of minutes. January 14, minutes. Mr. Fields moved approval as amended. Ms. Scypinski seconded. All voted in favor.

Adjourn. Mr. Cayer moved to adjourn. Mr. Fields seconded, all voted in favor.

The Planning Board approved these minutes with corrections on April 8, 2013.